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THE REVISED SCHOOL LAW

OF

THE STATE OF INDIANA:

APPROVED MARCH 5, 1855.

WITH

BLANK FORMS, SUPPLEMENTARY COMMENTS, AND SUGGESTIONS, FOR THE USE AND GOVERNMENT

OF

SCHOOL OFFICERS.

PREPARED BY THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

THE REVISED SCHOOL LAW

OF

THE STATE OF INDIANA;

Laws, Statutes, &c.

APPROVED MARCH 5, 1855.

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INDIANAPOLIS:
AUSTIN H. BROWN, STATE PRINTER.
1855.

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Gift
Mrs. Benjamin Harrison
June 9 1934

DEPARTMENT OF PUBLIC INSTRUCTION,
Indianapolis, May 1, 1855.

To School Officers and others charged with executive functions
In the Educational Department:

GENTLEMEN—In accordance with the requisitions of the 123d section of this Act, and in the exercise of the authority thereby vested in the Superintendent, the following explanatory suggestions, forms and directions have been prepared, intended to remove doubt and obscurity in reference to your official duties and exhibit the true import and intent of our Educational Statute. It is hoped that your experience may prove that the wish and purpose, in compiling these forms, instructions and comments, to leave nothing essential to a proper understanding of the law, unnoticed or unexplained, have not been altogether fruitless. The side notes and copious index to the statutory provisions, and the supplementary appendages of this edition of the Revised School Law, will enable any one interested in them, to find with ease any subject properly embraced therein.

It is confidently believed that most of the changes that three year's experience has shown to be desirable, will be found to be embodied in the present statute, leaving but little to be supplied by future legislation, and that the legitimate action of the revised law will prove it to be a decided and important improvement over any previous educational code in this Commonwealth. It is not perfect, but it is in close and intimate connection with the progress of the age, and not a little in advance, in divers particulars, of the educational systems of some of the older members of this Union. An honest, prompt, and hearty co-operation of our various educational functionaries cannot fail to develop its merits, and commend it to the cordial approval and support of the people of Indiana.

Yours, truly,

CALEB MILLS, *Superintendent.*

The Revised School Law

OF

INDIANA.

APPROVED MARCH 5, 1855.

AN ACT

To provide for a general system of Common Schools, the Officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish Township Libraries, and for the regulation thereof.

EDUCATIONAL FUNDS.

Tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be annually assessed and collected, as the State and county revenues are assessed and collected, on the list of property taxable for State purposes, the sum of ten cents on each one hundred dollars worth of property, and fifty cents on each poll: *Provided, however*, that the taxes aforesaid shall not be levied and collected from negroes nor mulattoes, nor shall their children be included in any enumeration required by this act, nor entitled to the benefits thereof.

Proviso.

What to constitute common school fund.

SEC. 2. The funds heretofore known and designated as the surplus revenue fund, all fund heretofore appropriated to common schools, the saline fund, the bank tax fund, the fund which has been or may be derived from the sale of the county seminaries and the property belonging thereto, the moneys and property heretofore held for such seminaries, all fines assessed for breaches of the penal laws of this State, all forfeiture which may accrue, all lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance, all lands which have been or may be hereafter granted to the State, when no special object is expressed

in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the 28th September, 1850, after deducting the expenses of selecting and draining the same, the taxes which may from time to time be assessed upon the property of corporations for common school purposes, the fund arising from the 114th section of the charter of the State Bank of Indiana, and unclaimed fees as provided by law, shall be denominated the common school fund, the income of which, together with the taxes mentioned and specified in the first section of this act, shall be applied exclusively to furnishing tuition in the common schools of the State.

Applied to tuition only.

Counties liable for fund.

SEC. 3. The several counties of this State shall be held liable for the preservation of so much of the said fund as is entrusted to them, and for the payment of the annual interest thereon at the rate established by law.

CORPORATIONS. OFFICERS AND DUTIES.

Civil townships to be school townships

SEC. 4. Each civil township in the several counties in this State is hereby declared a township for school purposes, and the trustees for such townships, trustees for school purposes, and their clerk and treasurer shall be the clerk and treasurer for school purposes.

Duties of clerk.

SEC. 5. The clerk shall keep a record of the proceedings of the board of trustees, and discharge such duties as may from time to time be required of him.

Bond of treasurer.

SEC. 6. The treasurer shall give an official bond for the use of the township, to be approved by the board, in such sum and with such security as the board may require, which bond shall be filed in the office of the Clerk of the Circuit Court, and by him shall be recorded in the record of official bonds.

Duties of treasurer.

SEC. 7. The treasurer shall receive all moneys belonging or which may be apportioned to his township, and pay out the same upon the orders of the board. He shall keep accurate accounts of his receipts and expenditures, and settle with the board at least once in each year, and as often as they may require. And, upon the failure of any such treasurer to discharge any of the duties enjoined on him by law, the trustees shall cause suit to be instituted against him, on his official bond; and in case of recovery against him, the Court rendering judgment shall assess upon the amount thereof ten per cent. damages, to be included in said judgment.

Duty of board.

SEC. 8. The board of trustees shall take charge of

the educational affairs of the township, employ teachers, subject to the provisions hereafter mentioned, and shall establish and conveniently locate a sufficient number of schools for the education of the children therein. They may also establish graded schools, or such modifications of them as may be practicable.

Trustees to levy a tax for construction and repair of school houses.

SEC. 9. They shall have power to levy a tax in their respective townships for the construction and repair of school houses, and for the providing of furniture and fuel therefor; but no such tax shall exceed the sum of twenty-five cents on each one hundred dollars of property, and fifty cents on each poll, in any one year, and they may credit each tax-payer upon such levy with two-thirds of any tax paid, or donation made for the building of school houses, within five years prior to the taking effect of the act of 14 June, 1852; and they shall levy taxes to pay any amounts due for the erection of school houses, which were in whole or in part erected under the provisions of an act entitled "An act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852. And any tax-payer who may choose to pay to the treasurer of the township wherein said tax-payer has property liable to taxation, any amount of money, or furnish building materials for the construction of school houses, or furniture, or fuel therefor, shall be entitled to a receipt from the trustees of said township, which shall exempt such tax-payer from any further taxes for said purposes until the taxes of such tax-payer, levied for said purposes, would, if not thus paid, amount to the sum or value of the materials so paid: *Provided*, that said building materials or furniture and fuel shall only be received at the option of the proper township trustees.

Credit on donations made five years previous to 1852.

Extra tax to liquidate debts contracted under former law.

Donations received in advance of future taxes, and receipts given therefor.

Proviso.

Enumeration

SEC. 10. The trustees shall, on or before the twentieth day of September in each year, make an enumeration of the children within their respective townships, distinguishing those between the ages of five and twenty-one, and the sex to which such children belong, and excluding married persons, and at the time of making the first enumeration hereafter shall inquire of the parents or guardians of such children, or persons having charge of them, to which school they desire to attach themselves; and upon making their selection, such persons shall be considered as forming the district or association for school purposes of the school selected, and no one shall be allowed thereafter to attach themselves to, or have the privilege of any other school, but by the consent of the trustees, for good cause shown.

Districts elective, but the choice not annual.

Report containing enumeration of children, and where they reside, when to be filed with county auditor.

SEC. 11. In making the enumeration of the children, the trustee making the same shall specify the congressional township in which such children reside, and in making report of such enumeration, the number of children in each congressional township shall be set out, which report shall be filed with the proper county auditor on or before the first day of October in each year.

Number of children to be furnished auditor.

SEC. 12. When a congressional township is located in two or more counties, the number of children in each portion thereof, in the several counties, shall be furnished to the auditor of the county where the account of the congressional fund of such township is kept, on or before the said first day of October in each and every year.

Trustees may transfer scholars from one township to another.

SEC. 13. When persons can be better accommodated at the school of an adjoining township, the trustees of the township in which such persons reside shall transfer them for educational purposes to such adjoining township, and notify the trustees thereof of such transfer, and in any enumeration the children of such persons shall be regarded as belonging to the township to which they have been transferred, and such persons shall, for educational purposes, be voters in such adjoining township only.

Proportionable part of congressional fund to be transferred with scholars.

SEC. 14. When persons have been so transferred to an adjoining township, the board of trustees of the township in which they reside shall pay over to the township to which they have been transferred their proportional share of the avails of the congressional township fund, to which they may be entitled, for their use.

Duty of auditor in reference to township tax.

SEC. 15. When a tax shall be levied for the purposes hereinbefore mentioned in any township, the trustees shall make out and file with the county auditor a list of the persons who have been transferred for educational purposes to an adjoining township, and also of such persons as may have been transferred from an adjoining township to the township in which such tax is levied, and the auditor in making the assessment of such tax shall exclude such persons as may have been transferred from the township, and include such persons as may have been transferred to it, but such assessment shall only extend to the property situated within the township in which such person resides.

Tax to be collected by county treasurer as other revenue, and how paid out.

SEC. 16. The county auditor shall take the assessment of the property for State and county purposes, and shall make the proper assessment of the tax directed by the township trustees, in the same manner as for State and county revenue, and shall add the amount of said tax to his duplicate, in an appropriate column, and the

taxes shall be collected by the county treasurer as other revenues, and shall be paid to the township treasurer upon the warrant of the auditor.

Taxes, how assessed in case of persons transferred.

SEC. 17. Each person transferred for educational purposes to a township of an adjoining county, shall pay to the treasurer of such township (when a tax is levied therein for the purpose aforesaid) a sum equal to the tax levied, computing the same upon the property of such person in the township where he resides, according to the valuation thereof, by the proper assessor, and, in default of such payment, shall be debarred from educational privileges in the township to which he may have been transferred, and the trustees thereof shall notify the trustees of the township in which he resides of such exclusion.

When the board fails to file an enumeration, auditor to procure it done.

SEC. 18. When any board of township trustees shall neglect to file with the county auditor an enumeration of the children of the township, as hereinbefore provided, the county auditor shall, within twenty days after the first day of October in each year, employ a competent person to take the same, and allow a reasonable compensation for such services, and shall proceed to recover the same, in the name of the State of Indiana, for the use of common schools, by action against the said trustees in their individual capacity, and in such suit the auditor shall be a competent witness.

Action against township trustee.

SEC. 19. If a township trustee fail to discharge any of the duties of his office, any person may maintain an action against him for every such offense, in the name of the State of Indiana, and may recover for the use of the common school fund any sum not exceeding ten dollars.

Penalty against trustee for failing to serve.

SEC. 20. Any person elected or appointed a township trustee, who shall fail to qualify and serve as such, shall pay the sum of five dollars, to be recovered as specified in the preceding section, for the use therein named, unless such person shall have previously served as such trustee.

RIGHTS AND PRIVILEGES OF INCORPORATED TOWNS AND CITIES.

Powers and duties of incorporated cities.

SEC. 21. Incorporated towns and cities shall constitute school corporations, independent of the townships in which they may be situated, and shall be entitled to the proportional amount of school funds to which the number of children between the ages prescribed by law will entitle them, and shall, by trustees elected by the people, or by officers appointed by the corporation, perform all the duties required of township trustees, and exercise all the powers vested in such trustees, prepare

and file with the county auditor all the reports required of and be subject to all the liabilities of such trustees. They shall have power to establish graded schools, and generally to do and perform all other acts which by this act are authorized to be done and performed by township trustees: *Provided, however*, that in case any school district within the limits of such city or town shall have heretofore contracted debts for school purposes, such city or town shall make provision for the payment thereof. The same transfers may be made for educational purposes from the neighborhood of any such city or town to such city or town, and on the same terms and conditions as are hereinbefore provided in relation to transfers from one township to another.

Proviso.

Trustees of townships, and of towns and cities, to make a full statement, on or before 1st day of October of each year.

SEC. 22. Township trustees and the trustees of towns and cities, and officers appointed by such towns and cities to manage their educational concerns, shall annually, on or before the first day of October, make a full statement of all their proceedings, receipts, and expenditures, for the year preceding, and shall cause the same to be published, by posting the same in three public places in their respective townships or corporate limits.

Teacher to report to township trustees, showing number of scholars admitted during term, &c.

SEC. 23. To enable township trustees to make the reports which are required of them by this act, the teacher of each and every school shall, at the expiration of the term of the school for which he shall have been employed, furnish a complete report to such trustees, verified by affidavit, showing the number of scholars admitted during the term, distinguishing between males and females, and between the ages of five and twenty-one, and also those over the age of twenty-one years, the average attendance, books used, branches taught, and number of pupils engaged in the study of each branch; and until such report shall have been so filed, such trustees shall make no payment to such teacher for services.

Teachers in incorporated towns or cities to report &c.

SEC. 24. Teachers employed in incorporated cities and towns shall make the same reports to the officers having charge of the schools of such cities and towns.

Duty of township trustees in relation to their reports to county auditors.

SEC. 25. The township trustees shall, in their report to the county auditor of the enumeration of the children of their respective townships, furnish to the county auditor the statistical information obtained from the teachers of the schools of their respective townships.

Duty of county auditors to State Superintendent.

SEC. 26. The county auditor shall, on or before the first Monday of November, annually, make out and forward to the State Superintendent the enumeration of their respective counties, with the same particular dis-

crimination required of the township trustees; he shall also furnish the statistical information exhibited in the reports of such trustees, in such form as may be prescribed by the Superintendent.

Schools to be taught an equal length of time.

SEC. 27. The schools in each township shall be taught an equal length of time, without regard to the diversity in the number of pupils at the several schools.

OF THE LANDS BELONGING TO THE CONGRESSIONAL TOWNSHIP FUND.

Trustees to have control of school lands.

SEC. 28. The custody and care of all lands belonging to the congressional township fund shall be with the trustees of the civil township in which the same shall be situated.

May lease them.

SEC. 29. They shall have power, when directed so to do by a vote, or by the written direction of a majority of the voters of the congressional township to which the same belongs, to lease such lands for any term not exceeding seven years, reserving rents payable in money, property, or improvements upon the land as may be directed by the majority of such votes.

If the 16th section, or the one granted in lieu thereof, be divided by county or township line, who to have care and custody of sec., and by what authority.

SEC. 30. Where the sixteenth section, or the section which may be granted in lieu thereof, shall be divided by a county or civil township line, the voters of the congressional township to which the same belongs, shall designate by a vote or by the written direction of a majority, the trustees of one of the civil townships including a part of the said section, to have the care and custody of such section, and to carry out the directions of the voters of the congressional township in relation thereto, and the trustees so designated shall have the same powers and perform the same duties as if the entire section was situated within the limits of their civil township.

Trustees to have rights and powers of a landlord.

SEC. 31. Such trustees shall have all the rights and powers of a landlord, in their official name, in coercing fulfillments of contracts relating to such lands and preventing waste or damage, or of recovery for the same when committed.

Proceedings upon petition to sell land.

SEC. 32. At any time when five voters of any congressional township shall, by petition to the trustees having charge of the school land belonging to such township, set forth their desire for the sale of all or any part of the school land, the trustees shall give notice in five public places in such township of the time and place in such township when and where a balloting will be had to determine whether the land shall be sold as petitioned for or not, which notice shall be given at least twenty days before the time specified therein.

Copy of petition to be entered.

SEC. 33. A copy of such petition shall be entered on the book containing the record of the proceedings of such trustees, and their action thereon shall also be recorded.

Manner of voting.

SEC. 34. If a voter favor the sale of such land he shall write on his ballot the word "sale," if he oppose the sale he shall write the words "no sale."

Majority must vote favorable.

SEC. 35. No such sale shall be allowed unless a majority of all the votes cast in such township shall vote in favor of it, nor unless the number of votes constituting such majority shall exceed fifteen

Certificate of votes.

SEC. 36. One of the trustees, to be designated by the board, shall attend at the time and place specified, who shall make out a certificate showing the number of votes given for and against such sale, which shall be signed by him, and delivered to the board of township trustees, who shall enter the same upon their record book.

Proceedings upon return of the vote.

SEC. 37. Such trustees, if satisfied that a majority and more than fifteen voters have voted for such sale, shall enter their opinion upon their record book, and proceed,

First—To divide the lands so voted to be sold into such lots as will insure the best price.

Second—To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

Third—To certify such division and appraisement to the proper county auditor, together with a copy of all their proceedings had in relation to the sale of said lands.

Certificate and return to be laid before county commissioners, who shall direct land to be sold.

SEC. 38. Such certificate and return shall by such auditor be laid before the board of county commissioners at their first meeting thereafter, and said board, if satisfied that the requirements of the law have been substantially complied with, shall direct such land to be sold, which sale shall be conducted as follows:

First—It shall be made by the auditor and treasurer.

Second—Four weeks' notice of the same shall be given by posting up notices thereof, in three public places in the township where the land is situated, and at the court house door, and by publication in a newspaper published in said county, if any, otherwise in the newspaper in the State, nearest thereto.

Terms of sale.

SEC. 39. One fourth of the purchase money shall be paid in hand, and interest for the residue for one year in advance, and the residue in ten years from such sale, with like interest annually in advance.

When contract to be forfeited.

SEC. 40. On failure to pay any such annual interest when the same becomes due, the contract shall become

forfeited, and the land shall immediately revert to the township, and the auditor and treasurer shall forthwith proceed again to sell the same on the terms above specified.

Proceeds of second sale.

SEC. 41. If on such second sale, such land shall produce more than sufficient to pay the sum owing therefor, with interest and costs, and five per cent. damages, the residue shall, when collected, be paid over to the first purchaser, or his legal representative.

How original revived.

SEC. 42. At any time before sale, payment of the sum due with interest for the delay, and all costs, together with two per cent. damages on the sum due for said land, shall prevent such sale and revive the original contract.

In case of waste.

SEC. 43. In case of such forfeiture, the original purchaser may be sued for waste or unnecessary injury done to such land.

Suit.

SEC. 44. Such suit shall be prosecuted by the auditor in the name of the State, for the use of the proper congressional township.

Private sale.

SEC. 45. When any land offered for sale, at public auction, shall remain unsold, the county auditor may dispose of the same at private sale for the best price that can be had therefor, not being less than the minimum price affixed thereto.

Statement of sale.

SEC. 46. A certified statement of such sale shall be made and signed by the auditor, and being first recorded by such auditor in the records of the board of county commissioners, shall be delivered to the purchaser when he makes his first payment, and shall entitle him to a deed when the terms of such purchase shall have been fully complied with.

Right of purchaser.

SEC. 47. Every purchaser until forfeiture, shall be entitled to all the rights of possession before existing in such trustees or townships, and to all rights and remedies for rents becoming due, or breaches of covenant accruing after his puchase, under any lease existing at the time of his purchase, and for all waste committed thereafter.

Ten per cent. damages in case of failure.

SEC. 48. A purchaser at such sale failing to make the first payment as above required, shall pay ten per centum on the sum bid, to be recovered by action before any court having jurisdiction, to be prosecuted for by the county auditor in the name of the State, for the use of the proper township, and the auditor and treasurer shall be competent witnesses.

Assignment.

SEC. 49. Assignments of certificates of purchase shall be valid only, if acknowledged before the county auditor, who shall record the same.

Payment of in-

SEC. 50. When a residue of purchase money becomes

Interest on residue to entitle purchaser to retain loan.

due, the purchaser may retain the same as a loan, for a term not exceeding three years, on payment annually in advance of the interest thereon, at the rate then established by law for loans of such funds, but he shall receive no deed until full payment is made.

Purchaser may pay at any time.

SEC. 51. Purchasers may at any time before due, pay a part or the whole of such purchase money.

In case of lost or destroyed certificates.

SEC. 52. When any such certificate shall be lost or destroyed before a deed be made, on proof thereof by affidavit of the person interested, or other competent testimony to be filed with the county auditor, and after three months' notice of intention to apply for a new certificate given in some newspaper published nearest to where the land lies, such auditor may issue the same to the person entitled thereto.

Purchase money to be paid to the treasurer, &c.

SEC. 53. Purchase money and interest, and all costs and damages above provided for, shall be paid to the treasurer of the proper county, and his receipt therefor filed by the person paying with the county auditor, who shall issue his quietus therefor.

Amount of receipt to be endorsed on certificate.

SEC. 54. When such payment is in completion of any contract of sale, the amount of such receipt shall be endorsed by the county auditor on the certificate of purchase.

Deed.

SEC. 55. On full payment for such land, a deed shall be executed by the county auditor and entered on the record book of the board of the county commissioners.

Acknowledgment at whose cost

SEC. 56. Such deed shall be executed and acknowledged at the cost of the grantee by the county auditor as in other cases, and thus executed and delivered, shall vest the grantee, his heirs and assigns forever, a complete title to the land.

Petition for sale of lands.

SEC. 57. The voters of any congressional township may, in the absence of a vote to sell land, and in lieu thereof, petition the proper board of township trustees for such sale, and such petition, if signed by a majority of all the voters of the township, shall be filed with the county auditor, and the same proceedings shall be had as are provided in the preceding sections upon a vote of the inhabitants of the township for such sale. Such petition and certificate shall also be recorded in the record book of the board of township trustees and of the county auditor.

OF THE INVESTMENT OF FUNDS HELD FOR THE BENEFIT OF COMMON SCHOOLS AND CONGRESSIONAL TOWNSHIPS.

Principal of fund to be loaned and judgment to bear

SEC. 58. The principal of all moneys, whether belonging to the common school fund or to the congres-

sional townships, and received into the county treasury, shall be loaned, and the interest paid out, as prescribed in this act; and any judgment upon any such note or mortgage shall bear seven per cent. interest from the date thereof till the same is paid. seven per cent. interest from date.

SEC. 59. Such loans shall be made by the county auditor, who shall inform himself of the value of all real estate offered in mortgage, and be satisfied of the validity of the title thereof, and all persons applying for a loan shall produce to said auditor title papers, showing a clear title in fee simple, without incumbrance, and not derived through any executor's or administrator's sale, or sale on execution, or sale for taxes. Loans to be made by county auditor.

SEC. 60. The township trustees, or three disinterested freeholders of the neighborhood, shall appraise any land offered in mortgage. Appraisement.

SEC. 61. Such appraisers, being first officially sworn, shall examine and appraise such land, and sign and give to the applicant a certificate, setting forth the fair cash value of the land at the time, without taking into consideration perishable improvements. Duty of appraisers.

SEC. 62. In making such loans preference shall be given to the inhabitants of the county if the security be adequate, and no land shall be received as security unless situated in the county where the loan is made. Reference to inhabitants of county.

SEC. 63. The amount loaned to any person or company shall not exceed three hundred dollars.

SEC. 64. The applicant for a loan shall file with the auditor the certificate of the clerk and recorder, showing that there is no incumbrance on said land in either of their offices. Incumbrances.

SEC. 65. Such applicant shall also make oath that there is no incumbrance or better claim that he knows of, and that the abstract of title presented by him is, as he believes, a true one. Oath of title.

SEC. 66. No such loan shall be made for a longer term than five years. Time of loan.

SEC. 67. The sum loaned shall not exceed one-half of the appraised value of the premises proposed to be mortgaged, clear of all perishable improvements. Not to exceed one half appraised value.

SEC. 68. The auditor shall have power to administer all oaths and take all acknowledgments required by this act. Oath.

SEC. 69. Mortgages taken for such loans shall be considered as of record from the date thereof, and shall have priority of all mortgages or conveyances not previously recorded, and of all other liens not previously incurred in the county where the land lies. Record of mortgages, and to have priority of all mortgages not previously recorded.

SEC. 70. The auditor shall cause such mortgages to Cost of recording.

be recorded immediately, retaining the cost of recording out of the money borrowed.

Rate of interest 7 per cent.

SEC. 71. The rate of interest shall be seven per centum per annum, payable annually in advance.

When the note and mortgage may be proceeded on.

SEC. 72. On failure to pay any installment of interest when the same becomes due, the principal sum shall forthwith become due and payable, and the note and mortgage may be proceeded on and collected.

Form of mortgage.

SEC. 73. The mortgage may be in substance as follows, and the auditor shall specify therein whether the same belongs to the common school fund or to the congressional township fund, and if to the latter, the particular township whose funds are thus loaned.

FORM OF THE MORTGAGE.

SEC. 74. I, A. B., of the county of ——, in the State of Indiana, for the use of (here describe the fund out of which the loan is made) mortgage all (here describe the land) for the payment of —— dollars, with interest at the rate of seven per cent. per annum, payable annually in advance, according to the conditions of the note hereto annexed.

Form of note.

SEC. 75. The note accompanying the same may be in substance as follows, to wit: I, A. B., promise to pay to the State of Indiana, for the use (here recite the particular fund) on or before the —— the sum of —— dollars, with the interest thereon, at the rate of seven per cent. per annum, in advance, commencing on the —— day of ——, 18—, and do agree that in case of failure to pay an installment of said interest when the same shall be due, the principal sum shall become due and payable, together with all arrears of interest; and on failure to pay such principal or interest when due, two per cent. damages shall be collected, with costs, and the premises mortgaged may be forthwith sold by the county auditor for the payment of such principal sum, interest, damages and costs.

Warrant on whom drawn.

SEC. 76. On making loan of any fund, the auditor shall draw his warrant in favor of the borrower upon the county treasurer, who shall charge it to the proper fund.

Loans and interest paid to treasurer.

SEC. 77. All loans refunded, and all interest, shall be paid to the county treasurer, and his receipt shall be filed with the county auditor, who shall give the payer a quietus therefor, and make the proper entries.

Satisfaction, when made.

SEC. 78. Whenever the amount due on any mortgage shall be paid, and the treasurer's receipt therefor filed, the auditor shall indorse on the note and mortgage

that the same have been fully satisfied, and surrender the same to the person entitled thereto; and on the production of the same thus indorsed, the recorder shall enter satisfaction upon the record.

When auditor may bring suit.

SEC. 79. When the interest or principal of any such loan shall become due and remain unpaid, the auditor shall proceed to collect the same by suit on the note, or by sale of the mortgaged premises, or both, at his option; he may also, by suit, recover possession of the mortgaged premises before sale thereof.

SEC. 80. In case of suit on the note and judgment thereon, no appraisement of property shall be allowed.

Notice of sale.

SEC. 81. Before sale of mortgaged premises, the auditor shall advertise the same in some newspaper published in the county where the land lies, if any there be, otherwise in a paper in the State nearest thereto, for three weeks successively, and also by notices set up at the court house door, and in three public places in the township in which the land lies.

Sale.

SEC. 82. At such sale, which shall be held at the court house door, the auditor shall sell so much of the mortgaged premises, to the highest bidder for cash, as will pay the amount due for principal, interest, damages and costs.

When auditor shall bid in, &c.

SEC. 83. In case of no bid for the amount due, the auditor shall bid in the same, on account of the fund, and as soon thereafter as may be, shall sell the same, having first caused it to be appraised by the township trustees, on a credit of five years, interest at seven per cent. per annum, being payable annually in advance, but no such sale shall be for a less sum, than the appraised value thereof.

Land heretofore bought in sold in like manner.

SEC. 84. Lands heretofore bought in, on account of the fund, which have been appraised, shall be sold in like manner.

Deed, when made and where recorded.

SEC. 85. Upon full payment being made for such lands, the deeds therefor shall be executed by the county auditor, and shall be entered in the records of the board of county commissioners before delivery.

Statement of treasurer of sales.

SEC. 86. At the public sale at the court house door, provided for in this act, the county treasurer shall also attend, and make a statement of such sales, which shall be signed by the auditor and treasurer, and after being recorded in the auditor's office, shall be filed in the treasurer's office, and such record, or a copy thereof authenticated by the auditor or treasurer's certificate, shall be received as evidence of the matters therein contained.

Treasurer's statement to vest title in State.

SEC. 87. When any land is bid off by the auditor, at such sale, no deed need be made therefor to the State, but

the statement of such sale, and the record thereof, shall vest the title in the State for the use of the proper fund.

Annual report of loans.

SEC. 88. Annual reports of the operations of their respective offices, in regard to loans and payments for school purposes, and to all moneys received on account of the common school fund, and of the congressional township fund, shall be made by the county treasurer and auditor to the board of county commissioners at the first session after the annual distribution of the school fund.

Forms of book keeping. By whom prescribed

SEC. 89. Forms and modes of book-keeping shall from time to time, be prescribed for the county auditors and treasurers, by the Auditor of State.

County commissioners to examine accounts.

SEC. 90. The board of county commissioners shall annually at their first session after the distribution of the common school fund, in the presence of the county auditor and treasurer, examine the accounts and proceedings of such officers in relation to the said funds; they shall also inquire into the safety of the several loans made of said funds and examine and compare the cash notes, and mortgages, with the records, books and reports.

Report of board.

SEC. 91. Said board shall make a report of the result of such examination showing:

First. The amount refunded, and the amount reloaned, and the safety thereof.

Second. The amount of interest received and the amount paid over.

Disposition of such accounts.

SEC. 92. Such report shall be entered on the records of said board, and copies thereof signed by the members of the board, the auditor and treasurer, shall be transmitted to the Auditor of State, and to the State Superintendent of Public Instruction.

Pay of county auditors and treasurers.

SEC. 93. County auditors shall receive for their services in managing the school fund, the two per cent. damages accruing on all sales for the non-payment of loans, and three per cent. on all disbursements of interest, and the county treasurer shall receive two per cent. on all disbursements of interest, and two per cent. on the amount of school tax disbursed.

Fees in case of mortgages and loans.

SEC. 94. The following fees only shall be charged in case of mortgage for loans:

To each appraiser,	50 cents.
For recording mortgage,	50 cents.
For drawing mortgage,	50 cents.
For taking borrower's affidavit,	10 cents.
For clerk and recorder's certificate, and examining title, each,	25 cents.

Which shall be paid by the borrower.

OF THE DISTRIBUTION OF THE SCHOOL FUND.

SEC. 95. The county auditor of each of the several counties of this State, shall, annually, on the fourth Monday of March, make out and forward to the Superintendent of Public Instruction, a statement showing the amount of interest on hand for distribution, in his own county, arising from loans of the congressional township fund, and also the amount on hand for distribution in parts of townships in the adjacent counties, specifying the amount on hand for each of the several counties. County auditor to report annually to superintendent of Public Instruction.

SEC. 96. In making such statement, he shall specify the amount of interest belonging to each township and parts of townships, and the county in which the same is situated, and where a congressional township lies partly in one county and partly in another, the auditor of the county in which the fund of such township is managed shall, in addition to notifying the superintendent of the amount due to each portion, notify also the auditor of the county in which any portion is situated of the amount due to such portion. What report shall contain.

SEC. 97. The State Superintendent shall annually, by the fourth Monday in April in each year, make out a statement showing the number of scholars in each county of the State, the amount of the income of the common school fund in each county for distribution, and the amount of taxes collected for school purposes, and shall apportion the same to the several counties of the State, according to the enumeration of scholars therein, without taking into consideration the congressional township fund in such distribution. Statement of State Superintendent.

SEC. 98. He shall file with the Auditor of State a statement, showing the amount of the income of the common school fund to which each county is entitled, who shall arrange the transfers between the counties, and in case it shall be found inconvenient to draw upon those counties having an excess in favor of those counties having a deficiency, the county treasurer (on being thereto required by the Treasurer of State,) shall pay such excess into the State Treasury. He to file statement with Auditor of State.

SEC. 99. To enable the State Superintendent to make such apportionment, county treasurers, at the time of making their annual settlement, shall furnish to the superintendent a statement of the income of the common school fund in their hands. County treasurers to furnish Superintendent statement of income.

SEC. 100. The superintendent shall, immediately after making such apportionment, inform the county audi- Superintendent to inform county

Auditors of am't entitled to.

tors of the amount to which their county is entitled of the common school fund.

Duty of county treasurer in regard to distribution.

SEC. 101. The treasurer of the several counties shall annually, on the third Monday of May, make distribution of the income of the common school fund to which his county is entitled, (upon the warrant of the county auditor,) to the several townships and incorporated cities and towns of the county, which payment shall be made to the treasurer of each township, and in making the said distribution, the auditor shall ascertain the amount of the congressional township fund belonging to each city, town, and township, and shall so apportion the income of the common school fund as to equalize the amount of available funds in each city, town, and township, as near as may be, according to the number of scholars therein: *Provided*, *however*, that in no case shall the income of the congressional township fund belonging to any congressional township, or part of such township, be diminished by such distribution and diverted to any other township.

Proviso.

OF THE MANAGEMENT OF THE SCHOOLS.

Township trustees to designate schools by numbers.

SEC. 102. The township trustees shall designate the several schools of their respective townships by numbers, as "School Number —," and the inhabitants, whether residing in or out of the township, who shall have designated any school in such township as the one to which they desire to be attached, as provided in section thirteen of this act, shall meet annually, on the first Saturday of October, at the school house, if there be any, if not, at some convenient place, to be designated in the notice of such meeting, and choose one of their number director of such school, who, before entering upon the discharge of his duties, shall take an oath faithfully to discharge the same.

How directors are chosen.

Director may call meetings at any time.

SEC. 103. Other meetings of such inhabitants may be held at any time, upon the call of the director or any five of the inhabitants.

Notice of meeting

SEC. 104. At least five days' notice shall be given of such school meeting, by posting notices in five public places in the vicinity, but no meeting shall be illegal, for want of such notice, in the absence of fraud.

Powers of school meeting.

SEC. 105. Such school meetings shall have power to designate the teacher whom they desire to teach their school, to determine what branches they desire shall be taught in such school, to designate such repairs as they may deem necessary to their school house, to memorialize the township trustees for the removal of their school

house to a more convenient location, or for the erection of a new one, and upon any other subject connected with their school or township.

Duty of petitioners in regard to repairs, &c.

SEC. 106. When such meeting shall petition the township trustees in regard to repairs, removal or erection of a school house, they shall also furnish to such trustees an estimate of the probable cost of such repair, removal or erection.

Duty of trustees in employing teachers.

SEC. 107. The township trustees shall, in every case in which a majority of the inhabitants attached to any school have designated the teacher they wish employed, employ the same, if he or she can be had on reasonable terms; and in no case shall such trustees employ any teacher, whom a majority of the inhabitants attached to any school have decided they do not wish employed; and when at any time after the commencement of any school, if a majority of the inhabitants petition said trustees that they wish such teacher dismissed, such trustees shall dismiss him; but such teacher shall be entitled to pay for all services rendered.

Duty of school director.

SEC. 108. The director of each school shall preside at all meetings of the inhabitants connected therewith, and record their proceedings; he shall also act as the organ of communication between the inhabitants and the township trustees.

Same.

SEC. 109. He shall take charge of the school house, and property belonging thereto, and preserve the same, and shall make all temporary repairs to the school house, furniture and fixtures, and provide the necessary fuel for the school, and report the cost thereof to the trustees for payment.

Same.

SEC. 110. He shall visit and inspect the school from time to time, exclude any refractory pupil therefrom, with the consent and approbation of the township trustees, and under their direction provide suitable teachers therefor.

Length of time pupil may be excluded from school.

SEC. 111. The exclusion of any pupil from the school for disorderly conduct, shall not extend beyond the current term, and may be, in the discretion of the trustees, for a shorter period.

OF THE STATE SUPERINTENDENT.

Election of State Superintendent.

SEC. 112. There shall be elected, by the qualified voters of the State, at the general election, a State Superintendent of Public Instruction, who shall hold his office for two years.

His expenses.

SEC. 113. He shall receive for traveling, stationery, and other expenses, a sum not exceeding five hundred dollars per annum.

Commencement of term and oath of office.

SEC. 114. He shall enter upon his official duties on the second Monday in February succeeding his election, and shall take and subscribe an oath of office, which shall be filed in the office of Secretary of State.

His books, papers and office where kept and by whom furnished.

SEC. 115. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the State, at which he shall give attendance when not absent on public business; and if the business of the office require it, he may employ a clerk, not more than six months in each year, at a salary of two dollars a day.

Allowed clerk six months in year.

Report of Superintendent.

SEC. 116. He shall present an annual report, containing a brief exhibit of his labors, the result of his experience and observation, noticing any imperfection in the operation of the system, and suggest the appropriate correction. He shall also prepare and append to said report all statistical tables, the materials of which have been transmitted to his department by the proper officers, and shall cause ten thousand copies to be printed and distributed to the several counties of the State.

To append to report all statistical tables.

To visit each county annually, and duty while there.

SEC. 117. He shall spend annually, on an average, at least one day in each county, attending teachers' institutes, conferring with township trustees, counseling teachers, and delivering lectures on topics calculated to subserve the interests of popular education.

Ex-officio president of board of education.

SEC. 118. He shall be *ex-officio* President of the State Board of Education, preside at all meetings thereof, propose such measures for consideration and adoption as in his judgment may best subserve the interests committed to said board, and increase the efficiency of their individual labors, and submit for their approval a list of text books for schools, and a catalogue of suitable works for school libraries.

To superintend purchase of township libraries.

SEC. 119. He shall superintend the purchase of township libraries, under such regulations as the State Board of Education may adopt, and report to said board his proceedings in relation thereto.

To determine appeals, &c.

SEC. 120. He shall receive and promptly determine appeals from township trustees, exercise such supervision over the educational funds as may be necessary to ascertain their safety and secure their preservation, and cause to be instituted, in the name of the State of Indiana, for the use of the proper fund, all suits necessary for the recovery of any portion of said funds.

May require information of certain officers.

SEC. 121. He may require of the county auditors, treasurers, township trustees, clerks, and treasurers, copies of all reports required to be made by them, and all such other information in relation to the duties of their respective offices, and the condition of the funds

and property of the common schools, and the condition and management of such schools, as he may deem important.

To prepare suitable forms.

SEC. 122. He shall prepare and transmit to the proper officers, suitable forms and regulations for making all reports and conducting all necessary proceedings under this act, and all necessary instructions for the better organization and government of common schools.

Cause copies of acts of the General Assembly in relation to common schools, to be distributed

SEC. 123. He shall cause as many copies of the acts of the General Assembly, in relation to the common schools, or the school funds, with necessary forms, instructions and regulations, to be from time to time printed and distributed among the school townships, as he shall deem the public good requires.

Annual report

SEC. 124. The annual report of the superintendent shall be made to the General Assembly when that body is in session, otherwise to the Governor, who shall cause the same to be published, and communicate a copy thereof to the next General Assembly.

To license teachers at pleasure.

SEC. 125. He may license teachers of the common schools at his pleasure.

What he shall supply each common school library with.

SEC. 126. He shall supply each common school library with the legislative documentary journals and the acts of each session of the General Assembly, and also the annual reports of the State Board of Agriculture, and his own annual reports.

Treasurer to take his receipt.

SEC. 127. The treasurer shall take his receipt for such books and documents, which receipt shall be evidence of the proper disposal of such books and documents.

Report, what to contain.

SEC. 128. With the report of his labors and observations, the superintendent shall present:

A statement of the condition and amount of all funds and property appropriated to purposes of education;

A statement of the number of common schools in this State, the number of scholars in attendance, their ages, sex, and the branches taught;

A statement of the number of private or select schools in the State, so far as the same can be ascertained, the number of scholars, their age, sex, and branches taught;

Estimates and accounts of the expenditures of the public school funds;

Plans for the management and improvement of the common school funds and for the better organization of common schools.

OF THE TOWNSHIP LIBRARIES.

School tax for libraries.

SEC. 129. There shall be assessed and collected, as the State and county revenues are assessed and collected, on the list of property taxable for State purposes, the sum of one quarter of a mill on each one dollar. There shall also be paid, by every person liable to pay a poll tax for State purposes, the sum of twenty-five cents; *Provided*, that said tax shall continue for one year only.

Proviso.

How applied.

SEC. 130. The said taxes shall be applied exclusively to the purchase of township school libraries, under the direction of the State Board of Education, but no sectarian work shall be admitted into such libraries.

Taxes to be paid to treasurer.

SEC. 131. The amount of said taxes, when collected, shall be paid by the county treasurers to the Treasurer of State, at the time of making their annual settlement, and shall be paid out by that officer upon the warrant of the Auditor of State.

Distribution of library.

SEC. 132. The State Board of Education shall, when such libraries have been received, cause the same to be distributed to the several townships in the State, under the direction of the State Superintendent, who shall apportion the same according to the population of the townships: *Provided, however*, that existing inequalities in township libraries shall first be corrected.

Who to preserve libraries.

SEC. 133. Such libraries shall be in charge of the boards of township trustees, shall be deemed the property of the township, and shall not be subject to sale or alienation for any cause whatever.

Same subject.

SEC. 134. Such trustees shall be accountable for the preservation of said libraries, may prescribe the time of taking and the period of retaining books, assess and recover damages done to them by persons entitled to their use, and adopt regulations necessary for their preservation and usefulness.

Where libraries to be kept.

SEC. 135. The trustees may deposit the library at some central point, or at one or more eligible places in the township, for the convenience of scholars and families, and they may appoint for that purpose one or more librarians, to have the care and superintendence thereof.

Who entitled to use library.

SEC. 136. Every family in the township shall be entitled to the use of two volumes at a time from said library, although no member of such family attend school.

Library to be open.

SEC. 137. The library shall be open to all persons entitled to its privileges, throughout the year, without regard to school sessions.

MISCELLANEOUS PROVISIONS.

Books, papers, &c., subject to inspection.

SEC. 138. The books, papers, and accounts of any township trustee, clerk, or treasurer, shall at all times be subject to the inspection of the county auditor, and of the board of commissioners of the proper county.

County commissioners may summon before them trustees, &c.

SEC. 139. For the purpose of such inspection, said board of county commissioners and auditor may, by subpœna, summon before them any such trustees, clerk, or treasurer, and require the production of such books, three days' notice of the time to appear and produce such books being given.

Books may be corrected.

SEC. 140. If such books have been imperfectly kept, said board of commissioners may correct them; and if fraud appear, shall remove the person guilty thereof.

Service of process.

SEC. 141. Process in suits against a school township shall be by summons executed by leaving a copy thereof with the clerk of such township ten days before the return day thereof.

Suits, how brought.

SEC. 142. Suits brought on behalf of a school township, shall be brought in the name of the State of Indiana, for the use of such township.

Appeal

SEC. 143. An appeal shall lie from the decision of the township trustees to the State Superintendent, whose decision shall be final.

When no cost to be recovered.

SEC. 144. Any person who shall sue for or on account of any decision, act, refusal, or neglect of duty of the township trustees, for which he might have had an appeal, according to the provisions of the preceding section, shall not recover costs.

Character and qualification of teachers

SEC. 145. No teacher shall be employed unless he be of good moral character, nor until he shall have procured a certificate of qualification, as provided in this act.

County commissioners to appoint school examiners &c.

SEC. 146. The board of county commissioners of each county of this State, shall appoint at least one, and not more than three school examiners, whose term of office shall expire on the first Monday in March of each year, and the clerk of said board shall, immediately upon their appointment, report their names and post office address to the State Superintendent.

Duty of examiners.

SEC. 147. The said school examiners, or either of them, shall examine all applicants for license as teachers of the common schools, and, if found qualified, shall license them as such for any time not exceeding two years, at the discretion of the examiner, and shall report their proceedings annually to the State Superintendent.

License, what to specify

SEC. 148. All licenses shall specify the branches which the applicant is qualified to teach, and the license shall be without charge, but the school examiner shall be entitled to a fee of fifty cents, in advance, from every person applying for examination.

Teacher to possess knowledge.

SEC. 149. No person shall be licensed as a common school teacher unless he or she may possess a knowledge of orthography, reading, writing, arithmetic, geography, and English grammar.

School taught in the English language. Proviso.

SEC. 150. The common school shall be taught in the English language: *Provided, however*, That schools may teach other languages in addition to the English, as a branch of education.

County commissioners to conform to certain boundaries.

SEC. 151. The county commissioners of each county are required to conform the boundaries of their civil townships to those of congressional townships, as far as it is practicable to do so.

Length of school term of 3 months, 65 days, &c.

SEC. 152. The length of a school term of three months shall be sixty-five days, and the number of hours in each day during which the pupils are to be confined in school shall be six hours.

When township trustees may sell land on which school house stood.

SEC. 153. The township trustees may, whenever a school house shall have been removed to a different location, or a new one erected for the school in a different place, if the land whereon the same is situated belongs, unconditionally, to the school fund, sell the same, when in their opinion it is advantageous to the township so to do, for the highest price that can be obtained therefor, and upon the payment of the purchase money to the township treasurer, they shall execute to the purchaser a deed of conveyance, which shall be sufficient to vest in such purchaser all the title of such township thereto.

Purchase money to be returned to purchaser.

SEC. 154. When any officer authorized to sell school lands, shall have sold any lands without a title thereto, such officer, or his successor in office, may convey such other lands of equal value, as may be agreed upon between such officer and the purchaser, his heirs or assigns, or failing to make such agreement, the purchase money, with interest, shall be repaid to such purchaser, his heirs, executors, administrators, or assigns; but no such purchase money shall be thus repaid until the proper prosecuting or district attorney shall have investigated the facts of the case, and certified to the correctness of the claim.

County auditors to open an account book with each congression-

SEC. 155. The county auditors of the several counties of this State, shall, immediately upon the taking effect of this act, open an account upon their books with

each of the congressional townships of their respective counties, whose funds are managed by them, and transfer to such account, from the common school fund account, the principal of the congressional township fund, as it existed before its consolidation with the common school fund, and shall thereafter keep a separate account of the principal and interest of the congressional township fund of each township. al township of their county.

SEC. 156. Where the whole of the school funds of a county have been loaned, the auditor will apportion to each congressional township a sufficient number of mortgages to cover the principal of its congressional township fund, and where a part of the school funds only are loaned, the auditor will so apply a proportional amount, and the cash on hand, when loaned, shall be for the benefit of the congressional townships respectively, to the amount of the entire principal of their congressional fund, and in all loans made after the taking effect of this act, the mortgage shall specify the particular fund borrowed. Duty of county auditor in regard to loan of school funds.

STATE BOARD OF EDUCATION.

SEC. 157. The State Board of education shall consist of the State Superintendent of Public Instruction, and the Governor, Treasurer, Auditor of State, and Secretary of State and Attorney General, who shall meet annually at Indianapolis, on the ——— day of ———, for the purpose of more effectually promoting the interests of education by mutual conference, interchange of views, and experience of the practical operations of the system, the introduction of uniform school books, and the discussion and determination of such questions as may arise in the practical administration of the system. Who to constitute State board of education.

SEC. 158. Inasmuch as certain provisions of the existing law have been held void by a decision of the Supreme Court, in consequence of which there is now no valid law authorizing distribution of a portion of the funds devoted to the support of common schools; and inasmuch as great inconvenience will result throughout the State on account thereof, before this act can be published and circulated in the several counties by the usual method, it is declared that an emergency exists requiring that this act shall take effect immediately; wherefore it shall take effect from and after its passage. And the Secretary of State shall immediately forward a certified copy of it to the Superintendent of Public Instruction, Emergency.

and to each county auditor, and shall also, without delay, cause the same to be published in the State Journal, State Sentinel, and Indiana Republican.

DAVID KILGORE,
Speaker of the House of Represetatives.

ASHBEL P. WILLARD,
President of the Senate.

Approved March 5th, 1855.

JOSEPH A. WRIGHT.

AN ACT

To authorize the establishment of Free Public Schools in the Incorporated Cities and Towns of the State of Indiana.

[APPROVED MARCH 5, 1855.]

Incorporated cities and towns empowered to establish and support Public Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several incorporated cities and towns of this State, be and they are hereby authorized and empowered to establish and support public schools within their respective corporate limits, and by an ordinance of such corporation, to levy and collect such taxes as may be necessary from time to time for the support thereof.

By ordinance to levy and collect tax for support of such schools.

May recognize any school, seminary, or other institution erected by private enterprise as part of their system.

SEC. 2. It shall be lawful for any such city or town to recognize any school, seminary, or other institution of learning, which has been or may be erected by private enterprise, as a part of their system, and to make such appropriation of funds to such school, seminary, or institution of learning, and upon such terms and conditions as may be deemed proper.

How this is to be construed.

SEC. 3. Nothing contained in this act shall be construed to authorize any city or town, by any system adopted under this act, to supersede the common schools established under the authority of this State, and supported by the public funds.

County treasurer to collect and pay tax over to city treasurer.

SEC. 4. When any tax is required to be levied, as provided in this act, the county auditor, upon being required so to do, by the proper authorities of any city or town, shall enter the said tax upon his duplicate, and the treasurer shall proceed to collect the same, upon the list of property subject to taxation for State and county purposes, and shall pay over the same, when collected,

to the treasurer of such city or town, or other officer properly authorized to receive the same.

Emergency

SEC. 5. Inasmuch as existing laws are not sufficient to confer the powers herein given, and it is desirable that such powers should exist immediately, it is declared that an emergency exists for the immediate taking effect of this act; wherefore, it shall take effect from its passage.

DAVID KILGORE,
Speaker of the House of Representatives.

ASHBEL P. WILLARD,
President of the Senate.

Approved March 5th, 1855:
JOSEPH A. WRIGHT.

STATE OF INDIANA, }
Office of the Secretary of State, to-wit: }

I hereby certify that the above and foregoing acts are correct copies of the enrollment now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of
[L. S.] State at the city of Indianapolis, this 6th day of March, A. D. 1855.

ERASMUS B. COLLINS,
Secretary of State.

APPENDIX.

FORMS.

NUMBER I.

Township Treasurer's Bond.

Know all men by these presents, that we A. B, A. C., and E. F., of - - - county, Indiana are bound unto the State of Indiana, in the penal sum - - dollars, for the payment of which we jointly, and severally, bind ourselves, our heirs, and legal representatives. The condition of the above obligation is, that if the above bound A. B. shall faithfully discharge the duties of Township Treasurer, as prescribed by section 7, of the school law, the said obligation is to be null and void, otherwise to remain in full force.

Signed and delivered in presence of us, this —— day of ——, 185—.

O. I., A. B———.
O. K. A. C———,
A. D———.

NUMBER II.

Order authorizing Township Treasurer to draw the Township Funds from the County Treasury.

$——. No.——.

This certifies that we, trustees of - - - - township, county of - - - - Indiana, have this day authorized A. B., treasurer of said township to receive from the county treasurer - - - dollars, the amount of money from (here specify the class of funds), to which this township is entitled for the year ending on the third Monday of May.

——— day of ———185—.

Attest,
O. P., Clerk.

———,
———,
———,

NUMBER NO. III.

Order on Township Treasury for funds to defray expenses of Instruction, building, repairing, or any other educational purpose.

$—— No.——

To the Treasurer of - - - - Township, county of - - - - Indiana:

Pay to A. B——, the sum of - - - - dollars, (here set forth the purpose, and also in what district said money is expended).

——— day of ——— 185—

Attest:
O. P., Clerk.

Trustees of ——————Township. { ———————, ———————, ———————.

NUMBER IV.

General Account to be kept by Township Treasurer.

DR.	A. B ——, Treasurer of —— —— Township, county of ——Indiana.				CR
185—	To all funds belonging to township from whatever source received.	$——	185—	By amounts paid on orders of Township Trustees as shown by vouchers.	

NOTE.—Orders drawn by the Township Trustees constitute the several vouchers of the Treasurer.

NUMBER V.

Register of Orders issued by Trustees.

Date.	No.	To whom issued.	For what purpose.	Amount.
185—	1	K. N.,	Teaching in District No. ————	$——
	2	O. P.	Building school house in District No.———	$———

NUMBER VI.

Trustees' Report to County Auditor, for year ending ——— day of ——— 185—, to be filed with said Auditor on or before the 1st day of October.

——— Township, county of ———.

Number of districts in township ..... ———
Number of children between 5 and 21 years in the township..... ..... ———
Number of males between 5 and 21 years in the township..... ———
Number of females between 5 and 21 years in the township..... ———
No. of children between 5 and 21 years in con township, { Range ——, No. ——, ———
Range ——, No. ——, ———
Number of common schools in township..... ———
Number of high schools in township..... ———
Number of male teachers in common schools..... ———
Number of female teachers in common schools..... ———
Number of male teachers in high schools..... ———
Number of female teachers in high schools..... ———
Whole number of pupils attending common school during the year..... ———
Whole number of pupils attending high school during the year..... ———
Average attendance in common schools..... ———
Average attendance in high schools..... ———
Average compensation of male teachers in common schools..... ———
Average compensation of female teachers in common schools..... ———
Average compensation of male teachers in high schools..... ———
Average compensation of female teachers in high schools..... ———
Amount expended for instruction..... ———
Length of schools..... ———
Number of school houses erected within the year..... ———
Value of school houses erected within the year..... ———
Number of books in library..... ———
Condition of books in library..... ———
Number of select schools taught in township..... ———
Number of pupils in attendance..... ———
Amount of tax collected for building, repairs, fuel, &c..... ———
Amount paid trustees for managing educational matters..... ———

Branches taught, }

O. P., Clerk.

Trustees, { ———.
———.
———.

NUMBER VII.

Township Enumeration.

Annual enumeration of youth between the ages of five and twenty-one years in ——— Township, taken by Congressional Townships, or parts thereof, embraced in civil townships, in accordance with Section 11 of school law.

Cong'l Township —— Range ——	Name of Parent or Guardian.	Number of Males.	Number of Females.	Total Number.

NUMBER VIII.

Report of County Auditor to the State Superintendent.

No. of Townships.	Names of Townships.	Children between the ages of 5 and 21 years.			Number of districts.	No. and grade of school.		Pupils attend'g during year.		Average attendance.		No. of Teachers.				Average compensation.				Expended for Instruction.		Length of schools.	School houses erected within year.		Books in library.		Select Schools.		Tax collected for building, repairing, fuel, &c.	Amount charged by Trustees for managing educational matters.
		Aggregate number.	Males.	Females.		Common.	High.	Common.	High.	Common.	High.	Comm'n		High.		Comm'n		High.		Common fund	Special fund.		Number.	Value.	Number.	Condition.	Number	Attendance.		
												Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.											

The above Report is a true and accurate summary of the township school reports on file in my office the first Monday of November, 18—, to the best of my knowledge.

————, Auditor.
Of——county, Indiana.

NUMBER IX.

Notice of District Meeting.

Notice is hereby given that (state whether the *annual* or a *special*) meeting of the qualified voters of District No. ——, ——— Township, County of ———, Indiana, will be held at (state the place,) on the ——— day of ———, eighteen hundred and fifty ——, at (state the time of day,) for the purpose of (here set forth the object of the meeting,)

By order of Director.

——— ———, *Director.*

——— day of ———, 185—.

NUMBER X.

Teacher's License.

County of ———, Indiana. }
———————, 185—. }

This certifies that the bearer, A. B———, on examination by me this day, is considered qualified to teach Orthography, Reading, Writing, Geography, Arithmetic, and English Grammar, (here state the other branches, if any,) and is hereby licensed to teach a common school, for the period of ——— months.

K. N———, *Examiner.*

NUMBER XI.

Teachers' Daily Register.

Number.	Names of Scholars.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	No. of days absent.	Number of days present.
1	A—— ——		†	†			1	4
2	B—— ——			† †			1½	3½
3	C—— ——							5
4	D—— ——	†					½	4½
5	E—— ——							5
6	F—— ——							5

NOTE.—Absence denoted thus †, signifying by its position between the lines whether it be in the morning or afternoon.

The aggregate of the numbers in column headed "No. of days present," divided by the number of days the school is kept during the week, will give the average daily attendance for the week. Thus 27 divided by gives 5 2-5, the average daily attendance.

NUMBER XII.

Teachers' Report to the Township Trustees.

Report of school in District No. ——, ——— township, county of ———, for term commencing ——— ——, 185—, and ending ——— ——— 185—.

Number.	Names of scholars.	Age.	No. of days a member of school.	No. of days in attendance.	Number of days each.	Branches studied. Orthography.	Reading.	Writing.	Geography.	Arithmetic.	Eng. Grammar.				Text Books.
1	A ———					†	†	†							Average attendance.

I, O. I ——, hereby certify that the foregoing report is correct according to the best of my knowledge. O. I ——, Teacher.

Subscribed and sworn to before me this —— day of ——, 185—.

—— ——— ——— Township Trustee.
(or Justice of the Peace.)

Branches attended to by each pupil may be marked † opposite his name. The names of others than those specified in the above form, may be entered in remaining blanks and marked as before directed.

The average attendance may be found by dividing the aggregate of the numbers in the column headed "No. of days in attendance" by the number of days the school is taught.

A record of tardiness will depend on the requisition of the trustees.

NUMBER XIII.

——— Township, ——— County, Indiana.

This memorandum of agreement this day made between A. B———, a school teacher, of the one part, and A. C———, A. D———, and A. E———, Trustees of ——— Township, of the other part, witnesseth that said A. B——— agrees to teach the school of District No. ——, in township above named, for the term of —— ——, commencing on the ——— day of ———, eighteen hundred and fifty ——, for the sum of ——— dollars per ———, and for said services *properly* rendered, said A. C———, A. D———, and A. E———, Trustees as aforesaid, are then and there to issue an order on the Township treasury in favor of said A. B——— for the full amount of wages due him as ascertained by this article of agreement.

Witness our hands, this —— day of ———, 185—.

A. C———.
A. D———.
A. E———.

NUMBER XIV.

Report of the condition and operation of the common school fund of —— —— county, for the year ending ——— 185—.

	Com'n fund	Spec'l fund.
Total amount of fund		
Amount refunded within the year		
Amount re-loaned		
Balance on hand		
Amount of fund lost or unsafe		
Amount of interest received within the year		
Amount of interest distributed		
Balance of interest on hand		
Officers' fees and incidental expenses of fund		
Amount of current school tax and delinquencies of former years collected since the last settlement with the State Treasurer		

STATE OF INDIANA. } ss.
——— County. }

The undersigned, Commissioners, Auditor and Treasurer of said county, certify that the foregoing report is correct as appears from the records in the office of said Auditor.

Witness our hands this——— day of ———, 185—,

———, }
———, } Commissioners.
———,

———, Auditor.
———, Treasurer

NOTE.—Amounts reported on hand for distribution should always be *net* sums.

NOTES AND SUGGESTIONS.

SECTION 1.

The tax authorized by this section with the amount of the proceeds of the school funds, both special and common, will not be sufficient to sustain schools the requisite length of time, but the deficiency need be only temporary. The pressing necessity for school houses in most townships will require, for the next two years, the assessment of the full amount authorized by section 9. The legal questions started almost simultaneously with the passage of the previous law, paralyzed, to a great extent, all efforts in that direction; so that we are as a State but little in advance of our condition in 1852. These obstacles being removed and these questions now settled, we anticipate a very general movement in the school house erection department for the ensuing two years. The advocates of a larger tax for tuition, will perceive that, under the present statute, the taxes for educational purposes may amount to four mills and a quarter on a dollar. Under the operation of this provision, we may hope that, within the aforesaid period, a large portion of the school structures in our towns and rural districts will be erected.

This result being attained, the present amount of assessment may be materially lessened, and yet, by transfer of appropriation, the tuition provisions may be increased sufficiently to sustain a six months school in the rural portions of the commonwealth.

SECTION 2.

In accordance with the decision of the supreme court in the congressional township fund suit, the educational funds will hereafter be known as divided into two classes, common and special. The common fund will consist of the items enumerated in this section, and its proceeds be distributed throughout the State *per capita*, and this fund can be appropriated to no other purpose whatever than tuition or payment of teachers' wages. The spe-

cial fund will be the proceeds of the sale or rents of congressional township school sections, the net income of which is guaranteed to the people of said townships. The inequalities incident to this appropriation are, to a great extent, remedied by the provisions for equalization contained in section 101.

SECTION 4.

The efficiency and success of our school system in each township will depend, in no unimportant sense, on the prompt, intelligent and independent action of the township trustees. They are vested with all the authority necessary for the discharge of their important functions, and are furnished by section 102 with assistants that will relieve them of a good share of what might be deemed the most annoying portion of their labor, viz: procuring fuel, superintending temporary repairs and care of the houses. It will be the duty of the trustees to adopt such a plan of procedure in reference to the building of school houses, as will secure a speedy erection of neat, commodious and tasteful edifices in every district where such are needed. Let a uniform plan be adopted in each township in reference to the style, comfort and accommodations of the several structures erected, differing only in dimensions.

One district is as justly entitled to a tasteful and convenient house, adapted to their wants, as another. Some degree of forbearance with respect to time must be exercised by the people of different localities, and no small amount of firmness and discretion on the part of the trustees, will occasionally be demanded, to meet emergencies arising in the line of their official duty. The style of school architecture and the character of the teachers employed, will depend almost entirely on the good taste, sound judgment and fidelity of the township trustees. Success in this enterprise demands a wise selection on the part of the people, and an intelligent and unflinching executive purpose on the part of the trustees. The latter will find much to aid them in the *material* part of their duties in "Barnard's School Architecture" (a copy of which will be in possession of every township board,) and in the *literary* department they will derive many useful suggestions from the "School and Schoolmaster," "Teacher and Parent," and "Theory and Practice," (educational works of substantial worth,) the first of which is already in the township libraries, and the others will be within one year.

SECTION 8.

The charge of the educational interests of the township is the most important part of the official responsibilities devolving on the trustees. A proper discharge of them will make sudden and sometimes heavy drafts on patience, principle and literary capital. Let

promptness characterize all their actions, whether it pertains to the erection of a house, the employment of a teacher, or the visitation of the schools of the township. Let all business contracts be reduced to writing, and both parties have a copy. This rule observed, will prevent much trouble, hard feeling, and perchance litigation. The trustees should not regard the creation of the office of district director as implying any diminution of responsibility on their part to secure good teachers for all the districts. They were intended as assistants, not substitutes, in the employment of instructors. It will therefore be a sad misconstruction of the statute, a palpable dereliction of duty, for trustees to devolve the labor and responsibility of procuring a teacher, on the directors. Let them avail themselves of the aid of said directors in obtaining suitable persons to take charge of the schools, but never, by inaction or remissness, compel the director of any district to go in pursuit of a teacher at the eleventh hour. It would contribute in no slight degree to harmony and efficiency of official action, for the township trustees and district directors to hold, at least semi-annual meetings, for mutual conference and comparison of views relative to the general interests and prosperity of the schools in their township. It would prove a source of mutual satisfaction to the officers themselves, and would not fail to be productive of good to the cause consigned to their supervision. It would impart a oneness and power to their action that it would not otherwise possess. Great prudence and a proper regard for the expressed wishes of the majority of the people of a district, should be exercised in the selection of sites for school houses. Let the grounds be ample—an acre of land if possible to each house. Not only erect a neat and commodious house with the appropriate fixtures, naturally suggested, but merit the blessing of posterity by enclosing the lot and planting shade trees, thus encouraging in our youth a spirit in sympathy with the tasteful and useful. A modification of the graded system may be successfully introduced into some of the more densely populated townships. In such case the districts might embrace the pupils classed in the primary and secondary departments, and the grammar and High school pupils might be taught at a school located at some central point in the township. Admission to this school should depend entirely on the ability to sustain a thorough and impartial examination in a given grade of studies. Such a school, at the center of the township, would enable many to prosecute studies they could not be instructed in at the district school, thus saving the expense of an education abroad, and this school would also exert a most salutary influence on the pupils in the district schools, by presenting a worthy object of aspiration—admission to the central school.

SECTION 9.

This section invests the trustees with the requisite power to raise funds by an annual tax, (within certain limits), to erect school

houses, provide fuel and make repairs, and indemnify, to a certain extent, persons who have aided by donation or taxes in the erection of school houses five years previous to June, 1852, and it also requires the assessment of a special tax to liquidate debts previously contracted for the erection of houses since 1852. The tax for the first named purpose will be insufficient in most cases to meet the exigencies of the township, and therefore the law authorizes them to accept of advanced taxes in the shape of donations from persons disposed to show their public spirit by such noble generosity, and receipt for the same, which shall be deemed proper satisfaction, to the full amount of sums thus advanced, of any school tax levied for said purpose in subsequent years. The latter is a felicitous arrangement, a wise, judicious, and provident expedient to provide means for present exigencies, and the former an equally happy one to meet certain equitable claims. To simplify this matter and close it up at once, it will be advisable for the trustees to ascertain the amount of such claims on the part of citizens, if any persons are not willing to relinquish them, or to take a less per cent. on said donations or taxes, and include it in the aggregate sum to be provided by the aforesaid tax. This will be the simplest and most equitable and satisfactory method of disposing of this matter in accordance with the spirit and import of the law.

SECTION 10.

Township school reports will hereafter be made to the county auditors alone. It is important that the trustees should act promptly in the matter of enumeration, and aim at perfect accuracy in the numbers reported. These reports will be less perplexing to prepare, and it is to be hoped that no reasonable pains will be spared not only to have them promptly furnished by the time specified, but also strictly correct. It will be borne in mind by the trustees that the choice of school district is not to be an *annual*, but a *permanent* choice; and it will be well to inform every parent or guardian, at the time of making the enumeration of the permanent character of the preference thus to be expressed, so that there shall be no just cause of complaint on the part of any. The method of forming school districts specified in this section, gives ample scope for liberty, and if the choice is wisely and judiciously made, no citizen can justly complain of being arbitrarily associated with those with whom he does not sympathize. While it is liable to abuse, it is also susceptible of such exercise as will greatly conduce to harmony, efficient and successful co-operation.

A specimen form of taking the enumeration required by this section, will be found among the forms preceding these annotations.

SECTION 13—17.

The simplest method of securing the purpose of these provisions, will be for the trustees of the township to which any persons

have been thus transferred, to enrol them as members of their respective districts, and ever after take the enumeration of their children and assess the township tax on their property as specified in sections 16 and 17. The cases contemplated in the latter section can be conveniently disposed of by the trustees of the township to which they have been transferred, ascertaining from the auditor of the county in which said transferred persons belong, the amount of a given tax on the property of the said individual, as limited by section 17.

SECTION 18.

It is to be hoped that auditors will act promptly in the cases requiring such action. Prompt and decided measures will secure official fidelity in future more effectually than any other course.

SECTION 21.

The purpose and provisions of this section are more fully specified in a supplementary statute that will be found on pages 28–'9 of this pamphlet.

SECTION 23.

The proper form of such report will be found on page 36. A rigid adherence to the requisitions of this section on the part of the trustees, will always secure them ample materials for their educational report to the auditor.

SECTION 26.

A prompt discharge of the duties enjoined in this and previous sections will secure full, reliable, and valuable statistical information for the superintendent to use and embody in his annual report. If each, in his respective sphere, promptly does his duty, every one will be entitled to his appropriate share of the plaudit, "well done."

SECTION 27.

This section secures to every child a right which has hitherto been unrecognized and unattained by any other educational code. The trustees will take special pains to carry out the provisions of this section.

SECTION 88.

For obvious and important reasons the reports called for in this section should be prepared at the time they now are—the first of March. The continuance of this custom is not necessarily incon-

sistent with the requisitions of the 90th section. The county boards are required by said section to subject the action, books, and reports of the auditor and treasurer, in respect to the school funds, to a thorough scrutiny at their first session after the distribution of the common school fund the third Monday of May. The said report should be prepared immediately before the annual settlement of the county treasurer with the auditor, the third Monday of March, so that the reports required by sections 95 and 99 may be furnished the State Superintendent as the basis of the statement required of him by section 97.

SECTIONS 95 AND 96.

These two sections were formed with their present minuteness in reference to an equalization of the common school fund by counties. That equalization not being incorporated in the law, they were retained in a connection obviously not requiring such particularity of report to the Superintendent. The information involved must be in possession of the Auditor to direct his own actions in adjusting the township equalization required by section 101. The results contained in such a report will be important and valuable to the department, and will be incorporated in a compendious form with the county auditor's report of school funds.

SECTION 97.

To enable the Superintendent to discharge the duty required of him by this section, promptness and accuracy on the part of *every* county auditor will be indispensable. The amount of the school tax and delinquencies of former years paid and on hands the second Monday of April, must be known as they are important elements in the amount to be apportioned. The information required by section 95 will not be needed till the amount of the said tax and delinquencies can be ascertained, and therefore the spirit of the statute would demand that the requisite time for obtaining all the sums composing the aggregate to be disbursed to the counties, should be given to complete a full report in the premises. The report of the interest of the school funds, embracing also the amount of school tax, should be forwarded on or before the second Monday of April. This arrangement will give the Auditors *three weeks* and the Superintendent *two weeks* to prepare their respective reports.

SECTION 101.

The requisitions of this section will so far secure the equalization of the school funds that, with perhaps the exceptions of a very few townships, there will be an equal enjoyment on the part of the youth of the commonwealth of the educational provisions both of the National and State governments. The Auditors will

find no trouble in adjusting this apportionment, without the labor of giving, in detail, the specific amount of each township's share of the two funds, if they will ascertain what the whole amount of school funds, both special and common, for the county, on a *per capita* division, will give each scholar, and then ascertain whether any township's school section will yield a larger dividend to its children. If any township should have a larger amount, exclude its number of children and the income of its school section fund from the calculation, and proceed with the other towns on the consolidation basis of distribution. The design of this equalization is to secure what the infelicitous phraseology of our contract with the general government, in reference to school grants, has deprived our youth, but which the present method of bestowing the educational dower on our younger sisters evidently shows was the parental purpose and intent of Congress, in the educational outfit which the older sisters received at her hands on reaching their majority.

In illustration of the above suggestions on the method of distribution, a case may be presented as follows, viz:

In ——— County, Congressional Township,

A.	has	300	children and	$375	Congres	ional township fund	=	$1	25	per scholar.
B.	"	200	"	150	"	"	=	75	"	"
C.	"	84	"	42	"	"	=	50	"	"
D.	"	400	"	100	"	"	=	25	"	"
E.	"	250	"	—	"	"	=	—	"	"

The last four townships have 934 children and $292 of congressional fund. The common school fund of the county amounts to $875 50, which, added to their $292, school section fund, will make an aggregate of $1,167 50. This will give them on a *pro rata* division, $1 25 per scholar—the same sum that township A. receives from her school section fund—in which case the same result is secured either with or without consolidation of A's. number of children and funds with those of the other townships. But, if the county common school fund be only $828 80, the last four townships would get only $1,120 80, which would be but $1 20 per scholar, a sum less than township A. derives from her school section fund, which *must not*, according to the 101st section of the revised law, *be diminished* by any process of distribution. Hence the propriety of excluding A's. number of children and also her amount of special fund from the said calculation.

SECTIONS 102—111.

The creation of the office of district director is a new feature in our system, and was designed to devolve a certain class of the township trustees' duties, which might very properly and with more promptness be discharged by a local agent in each district, on a person chosen by the people of the locality immediately interested. This office, if wisely filled, will contribute in no slight degree to meet the wishes and gratify the partialities of the advocates of the old district system without impairing the vitality of the

township principle of the present statute. The provisions of some of the included sections are such as must necessarily be carried out with becoming prudence, else their power for good will become potent only for evil.

Much will depend on the energy, intelligence, and promptness of the district director. It is to be hoped that no one will accept the office without the settled purpose wisely and promptly to provide the requisite fuel, make the temporary repairs, take care of the house, and aid in procuring a competent teacher for the district. Let there be awakened a generous rivalry among the districts in respect to the appearance, condition, and comfort of their respective houses, and the elevation and refining influence of their schools. It should not be forgotten that the external appearance of the school premises will be no insignificant index of the character of the internal administration. It must be remembered in the settlement of the studies to be introduced in the school, that the English language must be taught, and that no majority can deprive any minority, however small, of the appropriate means of instruction in *all* the branches comprising the common school course. Supplementary studies may be legally added by vote of the district, if instruction in them can be imparted without any interference with due attention to the progress of pupils in the ordinary course. Sections 149 and 150 confirm the correctness of the above exposition.

Frequent visits of the director and his prompt and efficient cooperation with the teacher in maintaining thorough discipline, and a cordial sympathy with both teacher and taught, will add much to the success of the enterprise.

SECTION 129.

As the library, judiciously selected, cannot fail to prove an efficient department in our educational system, it is obviously necessary that its gradual increase should be steady, uniform, and reliable. The proviso in this section is an infelicity that cannot fail to attract the attention of every careful observer and suggest the employment, at the proper time, of the appropriate means for its correction. The continuance of the present appliance for three or four years would place in every one of our *nine hundred and thirty-eight* townships a library of from three hundred to three thousand volumes of rich and varied reading.

SECTION 134.

A catalogue of the books received from time to time should be in the hands of the township clerk, with the price annexed, so that the proper charge may be made for the loss or damage done any volume. Such a bill of the cost of books will be furnished with the next distribution. In adjusting such losses the equitable method, in case the volume lost or damaged belongs to a set, will

be for the person to whom the volume was charged, to take the remaining volumes of the set and pay the estimated worth of the same. The reason of this requisition is that isolated volumes of a given work cannot be purchased separately. In adopting rules and regulations for the delivery and return of books, regard should be paid to the various interests involved. A given day of the week and the hours of said day should be specified for the convenience of all concerned. The length of time a book may be retained should be judiciously adjusted, and it should not be too brief nor too protracted a period. Damage done the books should be faithfully noted and settlement promptly made.

SECTION 135.

The purpose of this section is obvious, and the exercise of the power conferred is wisely left to the discretion of the trustees. It will involve more trouble, expense, and responsibility to deposit the library at two or three points, but there will be cases occasionally in which that course might, and, indeed, should be adopted. The expense of library cases and librarians' services will be an appropriate township charge.

SECTION 146.

Great care should be taken that the requisite number of examiners in each county should be appointed, and that said appointment should be promptly and judiciously made both in reference to personal qualifications and residence of said appointees. Large and populous counties should have the full compliment.

SECTION 147.

A certain degree of discretionary power is necessarily lodged with the examiner in reference to the fitness of the individual examined to teach in given localities, and for a limited period. The exercise of this discretion will not unfrequently be called in requisition. No specific rules can be given for guidance in such cases, but the judgment of the examiner must determine. The branches named in section 149 constitute the minimum amount of knowledge required of a teacher. *More* will always be of service, although *less* may occasionally meet the necessities of some localities. A license to teach has no validity out of the county in which it was issued.

SECTION 157.

Uniformity of text books is a matter of no small moment to the purses of parents and the progress of the pupils. They are the silent teachers directing the inquiries and prompting the investigations

of the scholars and should impart uniform instruction and in the happiest manner. A wise selection of these cannot fail to be seen and felt in the prosperity of the schools. Trustees should not allow teachers to control or dictate in this matter. The competent instructor is not dependent on a particular text book for ability to train his pupils, and can, therefore, use any good work in the several branches of the course. In science there will neces-arily be progress, and consequently a change of text books occasionally; but the text book, in morals is the production of an Author, whose wisdom infinite, whose knowledge boundless, whose benevolence unsearchable, furnish no cause for dissatisfaction, no occasion for change in this class of manuals. The Bible without note or comment is installed in the common schools of Indiana. Its continuance as the moral class book in these nurseries of her future citizens will as surely mark the period of her prosperity and grace the zenith of her glory, as its exclusion would prove the precursor of her decline, the herald of her shame.

An Act to authorize the establishment of Free Public Schools in the incorporated cities and towns of the State of Indiana.

It will be observed that there is great similarity between the provisions of this statute and the 21st section of the school law. The resemblance is not accidental but designed. Doubts were expressed whether the requisite authority to accomplish all that is desirable in the premises could be conferred by a single section and the inferential provisions of other sections. The purpose of this separate enactment was not to dissociate the schools of large towns and cities from all connection and sympathy with the general system, but to aid and encourage in these corporations the establishment of graded schools, in the most comprehensive and emphatic sense, the glory and crown of the free school system.

SECTION 1.

The evident intention of this is to give said corporations full and ample power and authority to establish such schools by the erection of appropriate structures, the provision of suitable furniture and fuel, and the employment of able and experienced teachers. These are just as essential to meet the educational wants of corporations as the district school house, and the summer and winter schools to supply the literary wants of the rural sections of the commonwealth. Indeed the permanent establishment and successful operation of such schools cannot fail to exert a happy influence on all the schools of the adjacent region.

SECTION 2.

It was contemplated that private educational enterprises might exist in some localities, whose fusion with the public schools might be desirable and important to secure harmonious action and cordial co-operation. Hence arose the provisions for this incorporation.

SECTION 3.

The caveat of this section contemplates the prevention of any such arrangements as shall exclude from any one department of such school or seminary. any pupil qualified to engage in the studies of said department, or, in any way, positively or constructively, to make the schools of said corporation anything but free and open to the children of all its citizens.

These notes and suggestions have been appended to the School Law for the purpose of elucidating the import and purpose of the statute in some of its more important points, as understood by the Superintendent from his intercourse with the framers of it, their expressed opinions in drafting its provisions, and the language adopted to express those views. It is no part of the object of their preparation to express opinions favorable or adverse to the constitutionality of any of its provisions. To determine these matters is the peculiar province of the courts.

With no claim to profoundness, no pretention to originality, and no assumption of perfection, they are commended to the candid consideration of all who may have occasion to consult them.

CALEB MILLS,

Superintendent of Public Instruction.

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ACT TO AUTHORIZE FREE PUBLIC SCHOOLS IN INCORPORATED TOWNS AND CITIES.

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LIBRARY OF CONGRESS
0 020 312 012 6